

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**RE: IDS OF JULY 28, 2009**

It is noted that the Examiner has did not consider the Japanese publications identified in the IDS filed July 28, 2009, on the basis that translations were missing. It is respectfully pointed out, however, that a proper concise explanation of relevance (37 CFR 1.98(3)(i)) for the Japanese publications was provided in the form of an English language translation of the Japanese Office Action dated April 14, 2009, which was submitted along with the IDS filed July 28, 2009. Accordingly, it is respectfully requested that the Examiner consider the Japanese publications identified in the IDS filed July 28, 2009, and return a fully initialed copy of the IDS Form submitted therewith to confirm that the Japanese publications identified in the IDS filed July 28, 2009, have been considered and made of record.

**ALLOWABLE SUBJECT MATTER**

The Examiner's indication of the allowability of the subject matter of claims 2-7 and 9-14 is again respectfully acknowledged.

These claims, however, have again not been rewritten in independent form at this time since, as set forth in detail

hereinbelow, it is again respectfully submitted that their respective parent claims also recite allowable subject matter.

#### THE CLAIMS

Claim 15 has been canceled, without prejudice. Clearly, no new matter has been added and no new issues have been raised which require further consideration on the merits and/or a new search. Accordingly, it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

#### THE PRIOR ART REJECTION

Claims 1 and 8 were rejected under 35 USC 102 as being anticipated by USP 3,731,199 ("Tazaki et al"); and claim 15 was rejected under 35 USC 103 as being obvious in view of the combination of Tazaki et al and US 2007/0116474 ("Ono et al"). These rejections, however, are respectfully traversed.

According to the present invention as recited in independent claims 1 and 8, a pulse pattern generator (claim 1) and a communication device evaluation system (claim 8) utilizing a pulse pattern generator are provided wherein the pulse pattern generator generates and smooths a step-like wave having a predetermined amplitude value change in a predetermined bit string, and sets the amplitude value of the step-like wave so as to have a predetermined eye closure.

With the structure recited in independent claim 1, the pulse pattern generator is capable of opening the eye, or supplying a pulse signal that is not opened, as a test signal to a device under test. Therefore, an advantageous effect is achieved whereby an evaluation test of the device under test can be facilitated to increase productivity, as opposed to conventional systems.

In addition, with the structure recited in independent claim 8, the communication device evaluation system is capable of evaluating the device under test by a pulse signal waveform proximate to a pulse signal waveform actually transmitted in an electric communication network or an optical communication network, etc., and achieves the advantageous effect of enhancing the reliability of the evaluation result.

By contrast, Tazaki et al is directed toward correcting gain and DC level variations which occur in a multilevel signal transmission line by using an error signal detected upon level detection at the receiving side by inserting a reference signal periodically in a multilevel signal. See, for example, column 1, lines 5-10 of Tazaki et al. Tazaki et al discloses a technique of inserting a reference signal in a transmitting side, and detects and compensates gain and DC level variations having occurred when passing the transmission path at the receiving side.

More specifically, Tazaki et al discloses at column 1, lines 27-38 thereof that an eye pattern and multilevel level of

the received waveform are read. In the transmission system of Tazaki et al, it is necessary for each multilevel level to exist in the center of each code area of a coded pattern. If the multilevel level is deviated to one side, the permissible level against interference from noise or other codes decreases. If the deviation increases further and enters the code area of a neighboring level, the code error occurs constantly. The invention of Tazaki et al is thus directed toward a system for preventing such an error.

To achieve this end, Tazaki et al discloses at column 4, lines 7-34 thereof an operation for correcting DC level and gain variations for the purpose of preventing deterioration of the "eye" pattern. In addition, Tazaki et al discloses in Fig. 7 thereof (relied upon by the Examiner) that the output of an LPF 34 is returned to a differential amplifier 12 to correct the DC level of the signal in the receiving station 7.

The pulse pattern generator of the present invention as recited in independent claims 1 and 8, on the other hand, generates and smooths a step-like wave having a predetermined amplitude value change in a predetermined bit string, and sets the amplitude value of the step-like wave so as to have a predetermined eye closure. And it is respectfully submitted that the system of Tazaki et al, which corrects DC level and gain at the receiving station 7 so as to widen the eye pattern closure to

improve permissive level of the code error, does not even remotely resemble the pulse pattern generator of the claimed present invention.

Significantly, the system of Tazaki et al detects and corrects the gain and DC level variations from the error signal at the receiving side, whereas the pulse pattern generator of the claimed present invention generates a step-like wave at a test pulse pattern generating side (i.e., at the transmitting side) and smooths it, thereby generating a signal having an arbitrary eye closure. And it is respectfully submitted that Tazaki et al completely fails to disclose or even remotely suggest the structure of the pulse pattern generator of the present invention as recited in independent claims 1 and 8.

It is respectfully pointed out that the claimed present invention is unconcerned with receiving a reference pulse of the transmitting side at the receiving side via a transmission path, and correcting the DC level and gain at the receiving side, in the manner of Tazaki et al. Indeed, the pulse pattern generator and communication device evaluation system of the claimed present invention are for use in testing, and enable a signal having an intentionally widened or narrowed eye closure to be arbitrarily and easily generated for testing.

In summary, it is respectfully submitted that the claimed present invention and Tazaki et al completely differ from each

other in object and effect, and it is respectfully submitted that Tazaki et al (which corrects the DC level and gain of a reference signal at the receiving side) clearly fails to disclose or even remotely suggest the above described structural features and advantageous effects of the claimed present invention.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 8 clearly patentably distinguish over Tazaki et al under 35 USC 102 as well as under 35 USC 103, along with allowable claims 2-7 and 9-14 depending therefrom.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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